

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANCISCO GUEVARA-ZAMUDIO,

Defendant.

8:18-CR-152

**ORDER GRANTING MOTION TO
WITHDRAW AND DENYING MOTION
TO REDUCE SENTENCE**

This matter is before the Court on the *pro se* Motion to Reduce Sentence filed by Defendant Francisco Guevara-Zamudio, [Filing 475](#), and the Motion to Withdraw filed by Assistant Federal Public Defender, Mr. Korey Reiman. [Filing 491](#). After the Defendant filed his Motion to Reduce Sentence, the Office of the Federal Public Defender was appointed to represent him pursuant to General Order No. 2023-09. [Filing 476](#). The purpose of this appointment was to determine whether the Defendant qualified “for relief pursuant to either the 2023 U.S. Sentencing Guidelines amendments of [U.S.S.G. § 1B1.13](#) or [U.S.S.G. § 1B1.10](#) providing for the retroactive application of Amendment 821[.]” [Filing 476 at 1](#). Mr. Reiman has moved to withdraw as counsel because “while Mr. Guevara-Zamudio did have zero points for his criminal history, he received a +2 enhancement for possessing a firearm. Pursuant to [U.S.S.G. § 4C1.1\(a\)\(7\)](#), the gun enhancement makes the defendant not eligible for a reduction in sentence.” [Filing 491 at 1](#). The United States Probation Office also submitted a worksheet in this case which states that the Defendant is not entitled to a reduction. [Filing 496 at 1](#).

The Court has conducted its own review of the Defendant’s *pro se* Motion along with other relevant matters in the record. The Court concludes that the Defendant is not entitled to the sentencing relief he seeks. His *pro se* Motion is without merit and will be denied. The Court

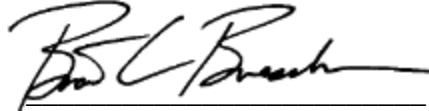
likewise concludes that Mr. Reiman's Motion to Withdraw should be granted for the reasons he set forth in his Motion. Accordingly,

IT IS ORDERED:

1. Assistant Federal Public Defender Korey Reiman's Motion to Withdraw, [Filing 491](#), is granted; and
2. Francisco Guevara-Zamudio's *pro se* Motion to Reduce Sentence, [Filing 475](#), is denied.

Dated this 26th day of April, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'B. C. Buescher', written over a horizontal line.

Brian C. Buescher
United States District Judge